

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

June 6, 2005

Mr. William L. Zawila
12600 Brookhurst Street, Suite 105
Garden Grove, CA 92840

Re: KNKS-FM, Coalinga, California
Request for Waiver of Regulatory Fees
Fee Control No. 00000RROG-05-038

Dear Mr. Zawila:

This responds to your February 10, 2005 petition for waiver of regulatory fees¹ for KNKS-FM, Coalinga, California. Our records show that the fiscal year (FY) 2003 regulatory fee of \$1,156.25, which includes the late payment penalty, has not been paid.

In your petition, you state that KNKS-FM is a dark station that was forced to cease operation due to severe financial problems. You also state that as a dark station, KNKS-FM has no revenue and continues to face financial hardship. You also state that KNKS-FM is the only local commercial wide area service station at Coalinga, California, and in the public interest should be returned to the air to provide service as soon as possible. Finally, you state that grant of your waiver request will allow reinstatement of your application to transfer KNKS-FM to Lazer Broadcast Corporation, which will return KNKS-FM to the air to provide service to the public.

In Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 para. 15 (1995), the Commission determined that the imposition of a regulatory fee could be an impediment to the restoration of service by the *licensee* of a dark station and that it would, therefore, waive the fee requirement for stations that have ceased operations pursuant to permission granted by the Commission. Although you characterize KNKS-FM as a "dark station," you provide no evidence in your petition, and our records do not indicate, that you have obtained a license for KNKS-FM. In fact, the Commission's records show that the relevant authorization for KNKS-FM at the time the regulatory fee was due was (and remains) a construction permit. Because the provisions of Section 73.1740 of the Commission's rules, concerning minimum operating schedules, are applicable only to *licensees* of broadcast stations and because KNKS-FM was only a *permittee* at the time the fee was due, any operation of the station was entirely at the discretion of the permittee. In sum, there is nothing to support your claim that a regulatory fee waiver is warranted for KNKS-FM. Therefore, your request for waiver is denied.

¹ Your petition does not state the fiscal year for which you request waiver of the regulatory fees.

Mr. William L. Zawila

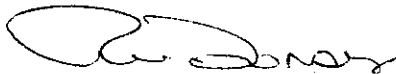
2.

Payment of the FY 2003 regulatory fee and penalty in the amount of \$1,156.25 is now due. The regulatory fee should be filed with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter.

As to your request that your application to transfer KNGS-FM to Lazer Broadcasting be reinstated, please note that we will address this matter separately from your fee waiver request.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", is positioned above the printed name.

✶ Mark A. Reger
Chief Financial Officer

RETURN COPY

BEFORE THE
Federal Communications Commission
 WASHINGTON, D.C.

RECEIVED - FCC**FEB 11 2005**

Federal Communication Commission
 Bureau / Office

In Re William L. Zawila,)
 Petitioner -)
 Radio Station KNKS(FM),)
 Coalinga, CA)

File No. BAPH-20040217AEF

To: The Managing Director and
 Chief, Media Bureau

PETITION FOR WAIVER OF REGULATORY FEES AND FOR
REINSTATEMENT OF APPLICATION -

Petitioner William L. Zawila hereby requests that the Commission waive regulatory fees for KNKS(FM), Coalinga, California, and reinstate the above-referenced application for assignment of KNKS(FM) from William L. Zawila to Lazer Broadcasting Corporation.

On January 7, 2005, the Commission issued a letter to William L. Zawila dismissing the above-referenced application for failure to pay a regulatory fee for KNKS(FM). In its letter of January 7, 2005, the Commission referred to an earlier letter of November 8, 2004, characterized as a "red light letter" which apparently was the basis for the dismissal announced in the letter of January 7, 2005. The letter of January 7, 2005, was postmarked from the Commission on January 27, 2005, and received by William L. Zawila on January 31, 2005.

The letter of November 8, 2004, characterized as a "red light letter" was never received by William L. Zawila prior to the letter of January 7, 2005, which announced the dismissal of the above-referenced application. It is the belief of the petitioner that the "red light letter" of November 8, 2004, was never received by the petitioner due to a deficient or incorrect address on the letter.

If the above-referenced "red light letter" of November 8, 2004, had been received by the petitioner, a petition for waiver of the regulatory fees discussed in the letter would have been filed prior to the dismissal of the above-reference application.

REQUEST FOR WAIVER OF REGULATORY FEES -

KNGS(FM) is a dark station that was forced to cease operation due to severe financial problems. As a dark station, KNGS(FM) has no revenue and continues to face financial hardship. KNGS(FM) is the only local commercial wide area service station at Coalinga, California. In the public interest, KNGS(FM) should be returned to the air to provide service as soon as possible. Waiver of the regulatory fees for KNGS(FM) would allow reinstatement of the above-referenced application which seeks to transfer KNGS(FM) to a known and financially capable broadcast licensee who will return KNGS(FM) to the air to provide service to the public.

In its letter of March 18, 1996, to William L. Zawila, Esquire, regarding Western Pacific Broadcasting, Inc. and Radio Station KKFO, Coalinga, California, the Commission noted that "dark stations are generally either without or with greatly reduced revenues" and "found that imposition of a regulatory fee

could impede a return of a dark station to the air" and "held that it would waive the regulatory fee for dark stations."

Petitioner submits that it would be appropriate and in the public interest to waive the regulatory fee for KNKS(FM) so that the above-referenced application may be reinstated seeking transfer of KNKS(FM) to Lazer Broadcast Corporation.

Attached hereto for ease of reference is a copy of the above-mentioned letter from the Commission dated March 18, 1996, concerning waiver of regulatory fees.


REQUEST FOR REINSTATEMENT OF APPLICATION -

Petitioner requests that the above-referenced application be reinstated in conjunction with a waiver of the above-discussed regulatory fees for KNKS(FM). The only ground for dismissal of the above-referenced application was failure to pay regulatory fees for KNKS(FM). Waiver of such regulatory fees would allow reinstatement of the above-referenced application which seeks to transfer KNKS(FM) to Lazer Broadcast Corporation, a known and financially capable broadcast licensee who will return KNKS(FM) to the air to provide service to the public at the earliest possible date.

Petitioner submits that the waiver of regulatory fees for KNKS(FM) and the reinstatement of the above-referenced application would serve the public interest and that this petition should be granted for the reasons discussed above.

February 10, 2005

Respectfully submitted,


WILLIAM E. ZAWILA, Petitioner
12600 Brookhurst Street-Suite 105
Garden Grove, CA 92840
-3- (714) 636-5040 - Telephone
(714) 636-5040 - FAX

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

March 18, 1996

OFFICE OF
MANAGING DIRECTOR

William L. Zawila, Esquire
12550 Brookhurst Street
Garden Grove, CA 92640

Re: Request for Waiver of FY 1995
Regulatory Fee
Western Pacific Broadcasting, Inc.

Dear Mr. Zawila:

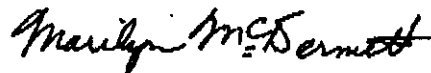
This is in response to the petition for waiver of the Fiscal Year 1995 (FY 1995) regulatory fee, that you filed on behalf of Western Pacific Broadcasting, Inc., licensee of AM Radio Station KKFO, Coalinga, California. You argue that KKFO is dark (not operating), is generating no income, and has been forced into bankruptcy.

In Implementation of Section 9 of the Communications Act, FCC 95-257, ¶ 15 (June 15, 1995), the Commission noting that dark stations are generally either without or with greatly reduced revenues, found that imposition of a regulatory fee could impede a return of a dark station to the air, and it held that it would waive the regulatory fee for dark stations.

Accordingly, your petition is granted and the FY 1995 regulatory fee for Western Pacific Broadcasting, Inc., as licensee of KKFO(AM), is waived. The waiver shall remain in effect until the station is reactivated.

If you have any questions concerning the waiver, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Marilyn J. McDermott
Associate Managing Director
for Operations

CERTIFICATE OF SERVICE

I, Karen R. Kelly, a secretary at Katten Muchin Zavis Rosenman, hereby certify that on this 11th day of February, 2005, a copy of the foregoing **PETITION FOR WAIVER OF REGULATORY FEES AND FOR REINSTATEMENT OF APPLICATION** was sent via Hand Delivery or First Class mail to the following:

Andrew S. Fishel*
Managing Director
Federal Communications Commission
445 Twelfth St., S.W.
Room 1-C152
Washington, D.C. 20554

Harry Martin, Esq.**
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209


Peter Doyle, Chief *
Audio Division, Media Bureau
Federal Communications Commission
445 Twelfth St., S.W.
Room 2-A360
Washington, D.C. 20554

James Bradshaw, Deputy Division Chief*
Audio Division, Media Bureau
Federal Communications Commission
445 Twelfth St., S.W.
Room 2-A260
Washington, D.C. 20554

The Honorable Arthur I. Steinberg *
Administrative Law Judge
Federal Communications Commission
445 Twelfth St., S.W.
Room 1-C861
Washington, D.C. 20554

James Shook, Esq. *
Investigations and Hearing Division
Enforcement Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Room 3A-463
Washington, D.C. 20554

* Via Hand Delivery
** Via First Class Mail



Karen R. Kelly